

Responsible Office: HQ Office of Equal Opportunity & Diversity Management  
Subject: Equal Opportunity Pre-Complaint Process (CE)



Office of Headquarters Operations

Office Work Instruction

## Equal Opportunity Pre-Complaint Process

Approved by: \_\_\_\_\_ (Original signed by) \_\_\_\_\_ Date 10/23/01  
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### DOCUMENT HISTORY LOG

<u>Status</u> <u>(Baseline/</u> <u>Revision/</u> <u>Canceled)</u>	<u>Document</u> <u>Revision</u>	<u>Effective</u> <u>Date</u>	<u>Description</u>
Baseline		12/10/99	
Revision	A	5/9/00	<p>Changed NASA Logo</p> <p>Sec. 3. Added EEOC, MD, Mediator</p> <p>Sec. 4 Added EEOC MD 110</p> <p>Sec. 6. Added 6.1 ...Explain Complaint...</p> <p>Merge 6.4 into 6.1 ...45 day contact...</p> <p>Eliminate 6.9, 6.12 ...in-house counseling...</p> <p>Added 6.8 &amp; 6.9 ...Evaluate &amp; accept...</p> <p>Changed Quality Record from Rights &amp; Responsibilities Letter to Right to File Letter</p>
Revision	B	10/23/01	<p>Sec. 1, 2 &amp; 3.6 changed "...discrimination has occurred <u>due</u> race..." to "<u>based on</u>"</p> <p>Sec. 1 &amp; 2 changed "NASA Headquarters Policy Guidance" to "NASA Headquarters Procedure and Guidance"</p> <p>Sec. 3 added ADEM, EOA, EOO and HQOWI</p> <p>Sec. 3.7 &amp; 3.14 added "NASA HQ has three EO Counselor contracts"</p> <p>Sec. 3.11 removed "These services is in response to the ADR requirement"</p> <p>Sec. 4 Added: 4.3 HHS Guide; 4.5 HQOWI5142-C001B; 4.6 NASA Contract W-92022, W-92032, W-92033; 4.7 "NPG 3713.3" to its title</p> <p>Sec. 5 Removed original box 6.5, added box 6.10 and renumbered &amp; edited in accordance with changes in Sec 6 &amp; 7</p> <p>Sec. 5, added at boxes 6.3 &amp; 6.4 "Intake Form" ; box 6.4 "Complainant Folder"; 6.5 "Letter of Authorization"; 6.6 "Invoice"; 6.9 "Certified Invoice" &amp; "Complainant's Evaluation Form"; 6.10 quality record "Complainant's Evaluation</p> <p>Sec 5 removed at box 6.6 &amp; 6.9 "Right to file Letter"</p> <p>Sec 6.1 removed: "at this intake session" &amp; added "alleged discriminatory" before "event" &amp; moved that sentence to second position in that step</p> <p>Sec 6.3 to 6.10 changed "employee" to "complainant"</p> <p>Sec 6.3 added "EO" to counseling; "(EO counseling...neutrality)"; "Generate an Intake Form"</p>

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			<p>Sec. 6.4 Changed completely to current step and removed previous version; added Equal Opportunity Assistant (EOA) as actionee</p> <p>Original Sec. 6.5 Eliminated</p> <p>Sec 6.5 (originally 6.6)added EOA as actionee; added Equal Opportunity Officer as actionee and “signed by the HQ EEO”; removed “and monitor” and “1614 reference; changed “provide” to “issue a letter...”</p> <p>Sec 6.6 – 6.8 changed “products” to “deliverables”</p> <p>Sec 6.6 (originally 6.7); added “Monitor”; added HQOWI5144-C001 reference; “timeliness” &amp; “invoice”</p> <p>Sec 6.7 (originally 6.8) added “or in the case of voucher...Code 155/Hq”</p> <p>Sec 6.9 (originally 6.10) added additional distribution of: EO Counselor Report, Complainant Evaluation Forms, Settlement Agreements and invoices; Removed “Right To File Letter”</p> <p>Sec 6.10 is a new step</p> <p>Sec 7 added Certified Invoice and Complainant Evaluation forms as Quality records</p>

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## **1.0 Purpose**

Ensure the management and coordination of the Headquarters Equal Employment Opportunity Pre-Complaint and Alternate Dispute Resolution process as outlined in the Code of Federal Regulations (29 CFR Part 1614.105), Equal Employment Opportunity Commission Management Directive 110 and NASA Headquarters Procedure and Guidance (NHPG) 3713.3: Workplace Alternate Dispute Resolution (ADR) Program.

## **2.0 Scope and Applicability**

The Headquarters Office of Equal Opportunity and Diversity Management Programs provide a specific process to ensure equal opportunity to all Headquarters employees and ensure compliance with 29CFR Part 1614 and NASA Headquarters Policy Guidance 3713.3: Workplace Alternate Dispute Resolution (ADR) Program. This process allows employees to seek counseling if they allege discrimination has occurred based on race, color, religion, sex, national origin, disability, age and retaliation.

## **3.0 Definitions**

- 3.1 ADR. Alternate Dispute Resolution – Mediation alternate available to federal employees in addressing Discrimination Complaints and Grievances.
- 3.2 ADEA. Age Discrimination in Employment Act
- 3.3 ADEM. Alternate Dispute Resolution Manager
- 3.4 CFR. Code of Federal Regulations
- 3.5 CPM. Complaints Program Manager
- 3.6 EEOC. Equal Employment Opportunity Commission
- 3.7 EEO Counselor (EOC). The counselor duties, as described in EEOC MD 110, can be contracted out to a vendor or assigned to a civil servant on a full time or collateral basis. NASA HQ has three EO Counselor contracts.
- 3.8 EO. Equal Opportunity - refers to the requirement of Federal Agencies to implement programs to prevent discriminatory practices based on to race, color, religion, sex, national origin, disability, age and retaliation.
- 3.9 EOA. Equal Opportunity Assistant
- 3.10 EOO. Equal Opportunity Officer who is the Director of the Headquarters Equal Opportunity & Diversity Management Office
- 3.11 HHS. Health and Human Services– Federal agency that sponsors the Share Neutrals Program Mediation Services available to all Government agencies.
- 3.12 HQOWI. Headquarters Office Work Instruction - are NASA HQ ISO quality system documents that provide step-by-step instructions stating how to perform specific duties
- 3.13 MD. Management Directive
- 3.14 Mediator. In the ADR process a mediator is a neutral third party who assists opposing parties to reach a voluntary, negotiated resolution of a charge of discrimination or other grievances. NASA HQ's three EO Counselor contracts also provide for mediators as well as the HHS Mediation Service.

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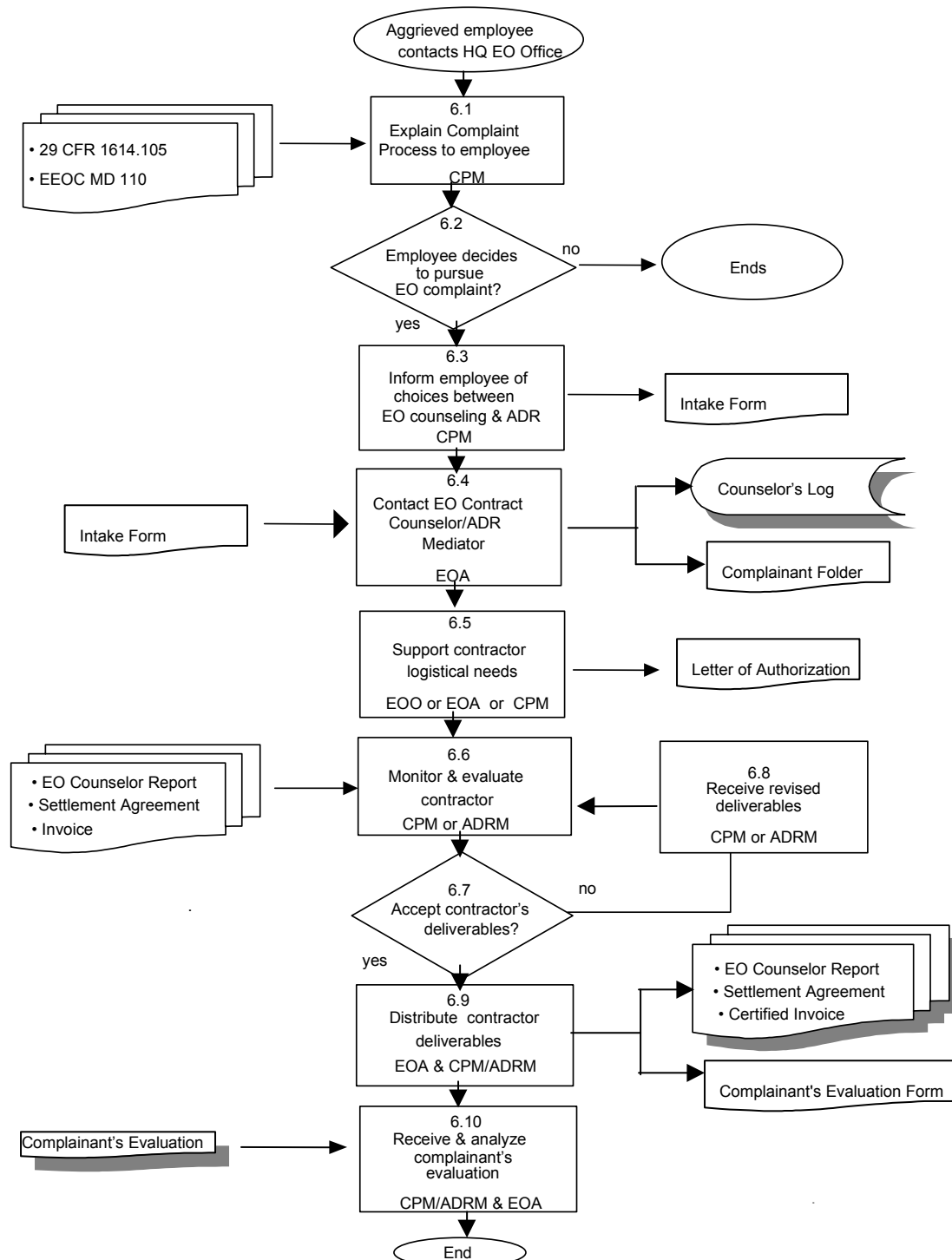
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#### **4.0 References**

- 4.1 29 Code of Federal Regulations 1614 , Subpart A-Agency Program to Promote Equal Employment Opportunity, Section 1614.105 Pre-complaint processing -  
<http://www.eeoc.gov/federal/1614-final.html>
- 4.2 ADEA-Age Discrimination in Employment Act - <http://www.eeoc.gov/laws/adea.html>
- 4.3 Department of Health and Human Services Interagency Program on Sharing Neutrals, Step-By-Step Guide for Requestor Agency
- 4.4 EEOC Management Directive 110 - <http://www.eeoc.gov/federal/md110.html>
- 4.5 HQOWI5142-C001B - <http://hqiso9000.hq.nasa.gov/dms.htm>
- 4.6 NASA Contracts W-92022, W-92032 , W-92033
- 4.7 NASA Headquarters Procedure and Guidance 3713.3 Workplace Alternate Dispute Resolution (ADR) Program - <http://nodis.gsfc.nasa.gov/Library/Directives/HQ/contents.html>
- 4.8 Rehabilitation Act of 1973 - <http://www.eeoc.gov/laws/rehab.html>

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## 5.0 Flowchart



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## 6. Process

Step	Actionee	Action
		Aggrieved employee contacts Headquarters Equal Opportunity (HQ EO Office) & Diversity Office with an alleged EEO complaint or other grievance.
6.1	Complaints Program Manager (CPM)	Explain complaint process to employee as defined in 29CFR 1614.105 and EEOC MD 110. The alleged discriminatory event must have occurred no longer than 45 days prior to the employee's contact with the HQ EO Office. The complainant must indicate the issues and bases underlying the alleged discriminatory event due to race, color, religion, sex, national origin, disability, age and retaliation.
6.2		Employee decides to pursue EO complaint? If no, process ends. If yes, proceed to 6.3.
6.3	CPM	Inform complainant of choices between EO counseling and ADR. (EO counseling and the ADR mediating services are contracted out to ensure neutrality.) Complainant chooses counseling or ADR. If ADR, the complainant chooses contracted mediator or HHS mediation. Generate an Intake Form.
6.4	Equal Opportunity Assistant (EOA)	Contact EO contract counselor/mediator to carry out Pre-complaint process in accordance with Contracts W-92022 or W-92032, or W-92033 which adheres to 29CFR 1614.105, MD 110. The EO Assistant contacts the contractors on an alternating basis and logs the complaint into the Counselor's Log and creates a complainant folder after receiving the Intake Form, generated by the CPM. In the case of ADR, HHS may instead be called if chosen by the complainant, and either the contractor or HHS carries out the ADR process in accordance with NASA Headquarters Procedure and Guidance 3713.3: Workplace Alternate Dispute Resolution (ADR) Program).
6.5	Equal Opportunity Officer (EOO ) EOA CPM	Support contractor for any logistical needs including issuing a letter of authorization, signed by the HQ EEO, and scheduling conference rooms by the EOA. The CPM assures full cooperation for contractor from NASA HQ employees in carrying out the fact-finding portion of the Pre-Complaint process.
6.6	CPM ADRM	Monitor and evaluate contractor as described in HQOWI5142-C001B through their deliverables and their timeliness: EO Counselor's Report or a negotiated Settlement Agreement and the certification of the contractor's invoice.
6.7		Accept contractor's deliverables? If no, return to contractor, or in the case of a voucher return through GSFC/Code 155/HQ Accounting Division, with comments concerning unacceptability and requesting a revised deliverable, go to 6.8. If yes proceed to 6.9.
6.8	CPM ADRM	Receive revised deliverables from contractor for re-evaluation and proceed to 6.9.

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6.9	EOA CPM ADRM	<p>Distribute a copy of the EO 's Counselor's Report to complainant by the EOA. Also send appropriate Complainant Evaluation Form with return envelope to complainant:</p> <ul style="list-style-type: none"> <li>- If Contractor Counseling – send NASA Headquarters Equal Opportunity and Diversity Management Office/Code CE Pre-Complaint Counseling Evaluation Form</li> <li>- If Contractor Mediation – send NASA Headquarters Equal Opportunity and Diversity Management Office/CE ADR Evaluation Form for the Pre-complaint Process</li> <li>- If HHS Mediation – send Interagency Program on Sharing Neutrals User Survey</li> </ul> <p>EOA also files original Counselor's Report in complainant's folder.</p> <p>The Settlement Agreement is distributed by the EOA as follows:</p> <ul style="list-style-type: none"> <li>- Original Settlement Agreement is filed in the complainant's folder</li> <li>- The second original Settlement Agreement is distributed to Code GG, Associate General Counsel for General Law</li> <li>- A copy is distributed to Code EC, NASA's Discrimination Complaints Division</li> <li>- A copy is distributed to Code CP, Headquarters Human Resources Division, if a personnel action is part of the Settlement Agreement</li> <li>- A copy is distributed to Code CFB, Headquarters Budget Office, if monetary payment is part of the Settlement Agreement</li> </ul> <p>CPM or ADRM certifies the invoice and the EOA sends it to GSFC/Code 155/HQ Accounting Division.</p>
6.10		<p>Receive and analyze complainant's completed evaluation form. Where deemed necessary, confer with contractor counselor or mediators for improved service and/or better adherence to the process.</p>



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## 7.0 Quality Records

Record Identification	Owner	Location	Record Media: Electronic or Hard Copy	Schedule Number and Item Number (NPG 1441.1)	Retention/Disposition
Counselor's Log	EO & Diversity Management Office/Code CE	EO & Diversity Management Office/Code CE	electronic	3 50 (E) (3)	Destroy 2yrs after final resolution of case
EO Counselor Report	EO & Diversity Management Office/Code CE	EO & Diversity Management Office/Code CE	Hard copy	3 50 (E) (3)	Destroy 2yrs after final resolution of case
Settlement Agreement	EO & Diversity Management Office/Code CE	EO & Diversity Management Office/Code CE	Hard Copy	3 50 (E) (3)	Destroy 2yrs after final resolution of case
Certified Invoice	Contract Officer	GSFC	Hard Copy	S: 5 I :9	Destroy 6yrs
Complainant Evaluation forms: - Headquarters Equal Opportunity and Diversity Management Office/Code CE Pre-Complaint Counseling Evaluation Form - Headquarters Equal Opportunity and Diversity Management Office/CE ADR Evaluation Form for the Pre-complaint Process - the Interagency Program on Sharing Neutrals User Survey	EO & Diversity Management Office/Code CE	EO & Diversity Management Office/Code CE	Hard Copy	3 50 (E) (3)	Destroy 2yrs after final resolution of case